

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS  
YANKTON, SOUTH DAKOTA  
JUNE 28, 2010**

Regular meeting of the Board of City Commissioners of the City of Yankton was called to order by Mayor Knoff.

**Roll Call:** Present: Commissioners Akland, Carda, Ellingson, Gross, Lowrie, VanDerhule, Wenande, and Woerner. City Attorney Hosmer and City Manager Russell were also present. Absent: None. Quorum present.

Action 10-143

Moved by Commissioner Gross, seconded by Commissioner Akland, to approve the Minutes of the regular meeting of June 14, 2010.

**Roll Call:** All members present voting "Aye;" voting "Nay:" None. Motion adopted.

Action 10-144

Moved by Commissioner Gross, seconded by Commissioner Lowrie, to approve the Minutes of the CIP Workshop meeting on June 21, 2010.

**Roll Call:** All members present voting "Aye;" voting "Nay:" None. Motion adopted.

City Manager Russell submitted a written report giving an update on community projects and items of interest.

Action 10-145

Moved by Commissioner Gross, seconded by Commissioner Carda, to suspend rules and add an Executive Session to discuss personnel matters with no action anticipated after the Executive Session.

**Roll Call:** All members present voting "Aye;" voting "Nay:" None. Motion adopted.

Action 10-146

Moved by Commissioner Gross, seconded by Commissioner VanDerhule, that the following items on the consent agenda be approved.

1. Permission for Alcoholic Beverages  
Consideration of a request from Craig Campbell and Cheryl Erickson to carry in and serve alcoholic beverages at the Dakota Territorial Capitol Building for a wedding rehearsal dinner on July 15, 2010
2. Appointment to Planning Commission  
Consideration of Memorandum 10-94 recommending approval of the Mayor's Appointment of Mr. Mark Mooney to the Planning Commission due to the resignation of Mr. Bob Pulscher from the Board.
3. Approval of Peddler's License  
Consideration of Memorandum 10-98 recommending approval of an application for a Peddler's License for APX Alarm Securities Solution, Inc. for 15 individuals to go door to door to sell home security systems
4. Establish public hearing for sale of alcoholic beverages  
Establish July 12, 2010, as the date for the public hearing on the request for a Special Events RETAIL (on-sale) Malt Beverage and a Special RETAIL (on-sale) Wine dealers License for July 13, 2010 from Chamber of Commerce (Carmen Schramm, Director) d/b/a Chamber of Commerce, KDAM/KYNT/KKYA, 202 West 2<sup>nd</sup> Street, Yankton S.D.
5. Establish public hearing for sale of alcoholic beverages  
Establish July 12, 2010, as the date for the public hearing on the request for a Special Events RETAIL (on-sale) Malt Beverage and a Special RETAIL (on-sale) Wine dealers License for September 14, 2010 from Chamber of Commerce (Carmen Schramm, Director) d/b/a Chamber of Commerce, WNAX/104.1 The Wolf, 1609 East Hwy 50, Yankton S.D.
6. Establish public hearing for sale of alcoholic beverages  
Establish July 12, 2010, as the date for the public hearing on the request for a Special Events RETAIL (on-sale) Malt Beverage and a Special RETAIL (on-sale) Wine dealers License for October 12, 2010 from Chamber of Commerce (Carmen Schramm, Director) d/b/a Chamber of Commerce, The Freeman Company, 719 Walnut Street, Yankton S.D.

7. Establish public hearing for sale of alcoholic beverages  
 Establish July 12, 2010, as the date for the public hearing on the request for a Special Events RETAIL (on-sale) Malt Beverage and a Special RETAIL (on-sale) Wine dealers License for December 14, 2010 with alternative dates of December 12 & 16, 2010 from Chamber of Commerce (Carmen Schramm, Director) d/b/a Chamber of Commerce, Ability Building Services, 909 West 23<sup>rd</sup> Street, Yankton S.D.

8. Permission for Alcoholic Beverages  
 Consideration of a request from Kevin Buckman to carry in and serve alcoholic beverages at the Dakota Territorial Capitol Building for a 25<sup>th</sup> wedding anniversary on July 3, 2010

**Roll Call:** All members present voting “Aye;” voting “Nay:” None.  
 Motion adopted.

Action 10-147

This was the time and place for the public hearing on the application for a Special Events Retail (on-sale) Malt Beverage and a Special Retail (on-sale) Wine Dealers License for one day, October 22, 2010, from Avera Sacred Heart Health (ASHH) Services (Kelly Kathol, Director), such event to be held at Pavilion Surgery Center, Floors 1 and 2 on ASHH Campus, Yankton, South Dakota. (Memorandum 10-93) No one was present to speak for or against approval of the license. Moved by Commissioner Ellingson, seconded by Commissioner Woerner, to approve the license application.

**Roll Call:** All members present voting “Aye;” voting “Nay:” None.  
 Motion adopted.

Action 10-148

Moved by Commissioner Gross, seconded by Commissioner Wenande, to adopt Resolution 10-20. (Memorandum 10-96)

**RESOLUTION 10-20**

WHEREAS, it appears from an examination of the plat of a plat of Tract 3, DJ’s Addition, in Lot A, Section 16, T93N, R55W, of the 5<sup>th</sup> P.M., Yankton County, South Dakota prepared by John L. Brandt, a registered land surveyor in the State of South Dakota, and

WHEREAS, such plat has been prepared according to law and is consistent with the City’s overall Comprehensive Development Plan.

NOW, THEREFORE BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, South Dakota, that the plat for the above described property is hereby approved.

**Roll Call:** All members present voting “Aye;” voting “Nay:” None.  
 Motion adopted.

Action 10-149

This was the time and place for the Community Development and Housing Needs Assessment Hearing in conformance with the Gehl Drive/Dakota Trailer Community Development Block Grant administrative process. (Memorandum 10-95) Moved by Commissioner Akland, seconded by Commissioner Carda, to conduct the public hearing.

**Roll Call:** All members present voting “Aye;” voting “Nay:” None.  
 Motion adopted.

**COMMUNITY DEVELOPMENT BLOCK GRANT  
 COMMUNITY DEVELOPMENT AND HOUSING NEEDS ASSESSMENT  
 MINUTES OF PUBLIC HEARING  
 CITY OF YANKTON AND DAKOTA TRAILER  
 GEHL DRIVE AND ASSOCIATED WATER AND SEWER EXTENSION  
 Yankton City Commission Chambers, RTEC Building  
 June 28, 2010 – 7:07 p.m.**

Mayor Knoff opened the Community Development and Housing Needs Assessment public hearing as required by the Community Development Block Grant (CDBG) program. The Mayor proceeded to explain that the City of Yankton is proposing to submit a CDBG application to assist in financing an extension of Gehl Drive to include water and sewer mains to serve the Dakota Trailer expansion

It was explained that the State of South Dakota has administered the federally funded Community Development Block Grant Small Cities program since 1982. Only cities and counties with populations of less than 50,000 can participate in the Small Cities Program.

Funds are distributed from three separate programs that address three distinct areas of need:

1. Imminent Threat Program
2. Special Projects
3. Community Projects

Funding requirements and the competitive nature of the programs were then discussed. It was emphasized that only those projects demonstrating the most serious need will be funded. The application will be submitted under the Special Projects clause in response to the proposed consolidation and expansion of Dakota Trailer's operations.

The proposed project was then explained by Brian McGinnis of Planning and Development District III and discussed with those in attendance. The City intends to request \$134,700 on behalf of Dakota Trailer from the CDBG program for construction and grant administration.

Mayor Knoff called for comments, noting that the purpose of this section of the hearing is to identify community development and housing needs for the City of Yankton and identify activities that could be undertaken to meet these needs. Those in attendance as well as the City Commission discussed the community needs and suggested a prioritized list be developed. Hearing participants were asked to identify the major community development and housing needs of the City and discuss activities that could be undertaken to meet these needs. Discussion also centered on what financing is available to undertake some of the proposed projects. It was pointed out that the City could not immediately meet many of the identified needs due to budget limitations. An ability to assist in financing the proposed improvement by the City or wholly finance these projects is not within the City's current capacity.

The identified needs and potential activities to address these needs are as follows:

1. Continue industrial road as well as associated water and waste water development activities. When appropriate, the City will apply for loans and grants to assist in financing projects;
2. Capitalize on development opportunities along Highways 81, 50, and 52;
3. Continue support of economic development. Finance activities of local development corporation to enable businesses to utilize grants (CDBG) and loans (REDI);
4. Housing for low and moderate-income persons/families, the elderly and an assisted living facility. Sources of financing may include Rural Development and South Dakota Housing HOME funding. Other innovative programs such as the Governor's House should be encouraged for low-income families; and

In addition to the minutes a sign-up sheet of those in attendance has been attached for the record. Said sheet contains names of elected officials, city staff, consultants, and members of the public.

There being no further comments, Mayor Knoff declared the hearing closed at 7:17 p.m.

Action 10-150

Moved by Commissioner Gross, seconded by Commissioner Carda, to adopt Resolution 10-22.  
(Memorandum 10-99)

**RESOLUTION 10-22  
RESOLUTION OF GOVERNING BODY**

WHEREAS, the United States of America and the State of South Dakota have authorized the making of grants from the Land and Water Conservation Fund (LWCF) to public bodies to aid in financing the acquisition and/or construction of specific public outdoor recreation projects;

NOW, THEREFORE BE IT RESOLVED;

1. That Doug Russell is hereby authorized to execute and file an application on behalf of the City of Yankton with the National Park Service, U.S. Department of the Interior, through the State of South Dakota, Department of Game, Fish, and Parks, Division of Parks and Recreation, for an LWCF grant to aid in financing the Sertoma Park Playground Improvements Project for the City of Yankton, South Dakota and its Environs.
2. That Al Viereck, Finance Officer of the City of Yankton is hereby authorized and directed to furnish such information as the above mentioned federal and/or state agencies may reasonably request in connection with the application which is hereby authorized to be filed.
3. That the City of Yankton shall provide a minimum of 50% of the total cost of the project; and will assume all responsibility in the operation and maintenance of the project upon completion of construction, for the reasonable life expectancy of the facility.
4. That the City of Yankton shall dedicate for park and recreation purposes in perpetuity, the real property identified in the authorized application.

**Roll Call:** All members present voting “Aye;” voting “Nay:” None.  
 Motion adopted.

Action 10-151

Moved by Commissioner Gross, seconded by Commissioner VanDerhule, to approve Change Order No. 1 from Feimer Construction, an increase of \$2,861.50 for a new contract total of \$157,098.00, for the Peninah Street Reconstruction–Karen Drive to 21<sup>st</sup> Street–Project, to accept the project as complete, and to authorize Finance Officer Viereck to issue a manual check in the amount of \$57,913.05 to Feimer Construction, Yankton, South Dakota, as final payment for the project. (Memorandum 10-102)

**Roll Call:** All members present voting “Aye;” voting “Nay:” None.  
 Motion adopted.

Action 10-152

This was the time and place to award the bid for the 6th Street Reconstruction Project—Maple Street to Locust Street. (Memorandum 10-97) The following bids were received and opened on June 17, 2010: Masonry Components, Yankton, South Dakota - \$193,241.05; Smith & Smith Construction, Tea, South Dakota - \$210,707.50; Carl V. Carlson Construction, Tea, South Dakota - \$216,087.15; Buskerud Construction, Inc., Dell Rapids, South Dakota - \$229,926.00. Moved by Commissioner Wenande, seconded by Commissioner Lowrie, to award the bid to the low bidder, Masonry Components, Yankton, South Dakota, in the amount of \$193,241.05.

**Roll Call:** All members present voting “Aye;” voting “Nay:” None.  
 Motion adopted.

Action 10-153

Moved by Commissioner VanDerhule, seconded by Commissioner Carda, to adopt Resolution 10-21. (Memorandum 10-100)

**RESOLUTION 10-21  
 ESTABLISHING NO PARKING ON THE WEST SIDE OF BROADWAY AVENUE  
 NORTH OF 2ND STREET**

**WHEREAS**, the Board of City Commissioners of the City of Yankton has the authority to establish “No Parking” zones on public streets including Highway 81.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of City Commissioners of the City of Yankton, South Dakota, that:

A “No Parking” zone be designated and marked for the west side of Broadway from the center line of 2nd Street going north 300 feet to a point that coincides with the north property line of the City owned parking lot.

**Roll Call:** All members present voting “Aye;” voting “Nay:” None.  
 Motion adopted.

Action 10-154

Moved by Commissioner Carda, seconded by Commissioner Akland, to accept the sewer main improvements located on the west side of West City Limits Road south of 8<sup>th</sup> Street in the Chalkstone Hill Addition. (Memorandum 10-101)

**Roll Call:** All members present voting "Aye;" voting "Nay:" None.  
Motion adopted.

Issues relating to parking in the downtown area during special event activities were considered. (Memorandum 10-103) Mark Mooney and Dan Somsen were present and requested that the City pursue introducing an ordinance or amending the current ordinance to allow for parking restrictions at future events. It was the consensus of the Commission to direct City staff to research this issue and present an ordinance at a future meeting.

Action 10-155

Moved by Commissioner Gross, seconded by Commissioner Akland, to adjourn into Executive Session at 7:55 p.m., to discuss personnel matters.

**Roll Call:** All members present voting "Aye;" voting "Nay:" None.  
Motion adopted.

Regular meeting of the Board of City Commissioners of the City of Yankton was reconvened by Mayor Knoff.

**Roll Call:** Present: Commissioners Akland, Carda, Ellingson, Gross, Lowrie, VanDerhule, Wenande, and Woerner. City Attorney Hosmer and City Manager Russell were also present. Absent: None.  
Quorum present.

Action 10-156

Moved by Commissioner Carda, seconded by Commissioner Akland, to adjourn at 8:15 p.m.

**Roll Call:** All members present voting "Aye;" voting "Nay:" None.  
Motion adopted.

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David D. Knoff  
Mayor

ATTEST:

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Al Viereck  
Finance Officer